

Energy and Telecommunications Interim Committee

**2003-2004
Draft Work Plan**

May 22, 2003

Introduction

The Montana Legislature created the Energy and Telecommunications (EAT) Interim Committee through enactment of House Bill No. 509 (2003). House Bill No. 509 also eliminated the Transition Advisory Committee (TAC) on electric industry restructuring.

This is a draft document designed to facilitate the work planning process. The completed work plan will set forth the committee's strategy for fulfilling its responsibilities during the 2003-2004 interim.

The work plan includes the following sections:

- ! Introduction
- ! Members and Staff
- ! Overview of Statutory Responsibilities
- ! Tasks
- ! Timeline

The work plan is a flexible document. The committee will refine goals and tasks as information is gathered and evaluated. Key decision making points will be highlighted in the timeline and under each topic.

Members and Staff

Committee Members

Rep. Daniel Fuchs
Rep. Dave Gallik
Sen. Royal Johnson
Rep. Gary Matthews
Rep. Alan Olson
Sen. Don Ryan
Sen. Emily Stonington
Sen. Fred Thomas

Staff

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Statutory Responsibilities

Committee

The statutory responsibilities of legislative interim committees are set forth in 5-5-215, MCA and are paraphrased for the Energy and Telecommunications Interim Committee below.

- ! Review administrative rules of the Department of Public Service Regulation (Department) and the Public Service Commission (PSC).
- ! Conduct interim studies as assigned. The committee may recommend to the Legislative Council that an interim study not be conducted or be assigned to another interim committee.
- ! Monitor the operation of the Department and the PSC with specific attention to the following:
 - " identification of issues likely to require future legislative attention;
 - " opportunities to improve existing law through the analysis of problems experienced with the application of the law by the agency;
 - " experiences of Montana's citizens with the operation of the agency that may be amenable to improvement through legislative action;
- ! Review legislation proposed by the Department or PSC. (Bills requested by an individual member of the Legislature are not subject to this requirement.)
- ! Compile, analyze, and furnish information bearing upon the committee's assignment and relevant to existing or prospective legislation that the committee determines to be pertinent to the adequate completion of its work.
- ! Prepare bills and resolutions that, in the committee's opinion, the welfare of the state may require for presentation to the next regular session of the Montana Legislature.

The EAT Interim Committee may refer an issue to another committee that the committee determines to be more appropriate for the consideration of the issue.

Utilities

Public utilities and cooperative utilities are required to submit an annual summary report of universal system benefits programs to the EAT Interim Committee pursuant to 69-8-402, MCA.

Tasks

1. Administrative rule review

Options are presented below.

- ___ a. Committee members receive copies of notices of proposed adoption of rules. Members are responsible for notifying staff or the committee chair if they want more information or committee action.
- ___ b. Committee members receive copies of notices for rules that address certain subjects.
- ___ c. Committee attorney provides synopses of significant and controversial proposed rules.
- ___ d. Committee attorney provides synopses of proposed rules that address certain subjects.
- ___ e. Committee requests that Department and/or Commission notify committee when letter is sent to primary sponsor as required by law.
- ___ f. Other [fill in]

Who:

Timeline: Ongoing

2. SJR 13: Study energy efficiency and conservation practices

This study was ranked 13 out of 13 studies by legislators participating in the interim study poll. The resolution requests that the interim committee:

- ! Evaluate the state's current energy-efficient building policies and practices.
- ! Investigate options for improving the energy-efficient building codes and practices in Montana.
- ! Investigate and evaluate other options for improving energy efficiency and conservation practices.

The Department of Labor and Industry is required to adopt building codes by rule in consultation with the 11-member Building Codes Council. The Economic Affairs Interim Committee has administrative rule review and program evaluation functions for the Department of Labor and Industry.

Rules concerning the conservation of energy must conform to policies in 50-60-801 and relevant policies developed under Title 90, Chapter 4, part 10, by the Department of Environmental Quality and the Environmental Quality Council (EQC), in consultation with the Consumer Counsel and the PSC. The Department of Labor and Industry is limited by this requirement and the statement of intent attached to Ch. 383, L. 1993.

Options are listed below.

- ___ a. Recommend that the study not be conducted.
- ___ b. Assign staff to review recent studies, investigate policies in other states, identify barriers in existing Montana law, and/or evaluate options for

improving energy-efficiency and conservation practices, including building codes. Assign staff to prepare white paper for committee review.

- ___ c. Conduct the study using the energy policy development process prescribed in 90-4-1003, which entails establishment of a working group that includes the broadest possible representation of stakeholders, using a consensus process whenever possible. The working group would develop a policy, report, and, if warranted, recommend proposed legislation to the committee. After the policy is developed and any necessary legislation is approved during the 2005 session, under current law building codes would have to be adopted by rule in compliance with the Montana Administrative Procedure Act.
- ___ d. Other [fill in]

Who:

Timeline:

3. Review statutes related to Energy and Telecommunications Interim Committee

It would be prudent to review the current statutes in light of the creation of the new committee to ensure that there are no glitches that should be addressed. For example, there may be areas of public service regulation that the committee feels would be better addressed by another interim committee. In another example, Section 90-4-1003, MCA requires the Department of Environmental Quality and the EQC to maintain a continual process to develop the components of a comprehensive state energy policy.

- ___ a. Assign staff to review the statutes and prepare a memo identifying options.
- ___ b. Do nothing.
- ___ c. Other [fill in]

Who:

Timeline:

4. Review legislation proposed by the Department or PSC

Review proposals and decide whether or not to request that staff draft legislation for preintroduction.

Who: Department and/or PSC presents proposals. Committee members vote on whether or not to request drafting.

Timeline: September 9-10, 2004

5. Monitoring of important activities [fill in]

___ a. What:

Who:

Timeline:

___ b. What:

Who:

Timeline:

___ c. What:

Who:

Timeline:

___ d. What:

Who:

Timeline:

___ e. What:

Who:

Timeline:

6. Evaluation of issues or programs and development of findings or recommendations [fill in]

___ a. What:

Who:

Timeline:

___ b. What:

Who:

Timeline:

___ c. What:

Who:

Timeline:

___ d. What:

Who:

Timeline:

___ e. What:

Who:

Timeline:

7. Learning about initiatives, projects, and technology [fill in]

___ a. What:

Who:

Timeline:

___ b. What:

Who:

Timeline:

___ c. What:

Who:

Timeline:

___ d. What:

Who:

Timeline:

___ e. What:

Who:

Timeline:

8. Interim study [fill in]

___ a. What:

Who:

Timeline:

___ b. What:

Who:

Timeline:

Timeline

2003

Sept. 17-18 Committee Meeting



Nov. 20 Committee Meeting



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2004

Jan. 22 Committee Meeting

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March 25 Committee Meeting

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June 3-4 Committee meeting

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Sept. 9-10 Committee meeting

- ◆ Final decision by EAT committee on content of reports and proposed legislation, if any.
- ◆ Selection of bill sponsors.
- ◆ Review proposals and decide whether or not to request that staff draft Department or PSC legislation for preintroduction.

Sept. 15 Deadline for completion of interim committee work

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